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COMPARATIVE LEGISLATION BULLETIN
No 9

BOYCOTTING

GROVER G. HUEBNER

MADISON, WISCONSIN
OCTOBER, 1906

The many controversies to-day over boycotting, blacklisting, the use of injunctions etc., have been the cause of much legislation. This bulletin giving a summary of legislation on boycotting, will be found useful to all interests involved, as it is entirely impartial.

A bulletin on blacklisting will soon be issued.

CHARLES MCCARTHY

Legislative Reference Department

BOYCOTTING

GROVER G. HUEBNER

COMPARATIVE LEGISLATION BULLETIN — NO. 9 — OCTOBER, 1906
Prepared with the co-operation of the Political Science Department of the University of Wisconsin

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DEFINITIONS

Connecticut. The term boycott is a compendious name used to describe a series of acts not in the line of lawful competition, commenced and continued by all persons who can be persuaded to join in them, to hinder and prevent the proper pursuit of a lawful business, with intent to injure the corporation, firm or individual against whom the boycott is directed. *State v. Glidden*, 1887, 55 Conn. 76.

United States. "A boycott is an organized effort to exclude a person from business relations with others, by persuasion, intimidation, and other acts which tend to violence, and thereby force him, from fear of resulting injury, to submit to dictation in the management of his affairs." *Casey v. Cinn. Typo. Union* No. 3, 1891, 45 Fed. 135.

A combination of employees to compel their employers, by threats of quitting and by actually quitting their service, to withdraw from a mutually profitable relation with a third person having no effect on the character or reward of the employees services, for the purpose of injuring such third person, is a boycott. *Thomas v. Cincinnati, N. O. & T. P. Ry. Co.* 1894, 62 Fed. 803.

The term boycott "implies a combination to inaugu-

rate and maintain a general proscription of articles manufactured by the party against whom it is directed." *Oxley Stave Co. v. Coopers' International Union*, 1896, 72 Fed. 695.

Michigan. A boycott is a combination of several persons to cause a loss to a third person by causing others, against their will, to withdraw from him their beneficial business intercourse through threats, that unless a compliance with their demands is made, the persons forming the combination will cause loss or injury to him; or an organization formed to exclude a person from business relations with others by persuasion, intimidation, and other acts of violence, and thereby cause him through fear of resulting injury to submit to dictation in the management of his affairs. *Beck v. Ry. T. P. Union*, 1898, 118 Mich. 497.

FORMS OF BOYCOTTING

Compound boycott

The boycott involving third parties is commonly known as the compound boycott.

Primary boycott

The boycott involving only the persons directly interested in the dispute is known as a primary boycott.

Unfair list

The unfair list is generally a list of employers published in labor papers and magazines in order to induce the readers to withhold their patronage until compliance with the demands of the employees has been made. It is not always regarded as a boycott.

Fair list

The fair list is the opposite of the unfair list. Legally it is not included under boycotting.

Union label

The same is true of the union label. Legally it is not a boycott and is nowhere, in the United States, illegal.

LAWS AND JUDICIAL DECISIONS

Foreign countries

England. Before 1875 the common law of criminal conspiracy was applicable. Three classes of conspiracy were recognized: 1. where the end to be accomplished is a crime in each of the conspiring parties; 2. where the purpose of the conspiracy is lawful, but the means to be resorted to are criminal; and 3. where, with a malicious design to do an injury, the purpose is to affect a wrong, though not such a wrong as when perpetrated by a single individual amounts to an offense under the criminal laws.¹

Conspiracy and Protection of Property Act. 1875. 38 & 39 Vic. c. 86. This modifies the common law so that a combination to do, or procure to be done, any act in contemplation or furtherance of a trade dispute, is not indictable as a conspiracy if such act when committed by one person is not a crime punishable with imprisonment.

Though peaceful boycotting cannot under this act be treated as criminal conspiracy, it can be treated as civil conspiracy and damages collected. *Quinn v. Leathem*, 1901, 17 T. L. R. 749.

This case is now generally followed. If the intent of the boycott is to maliciously injure it is actionable as a civil conspiracy.²

¹ Report of the Royal Commission of 1874.

² Bills are frequently introduced to change this act.

This statute (sec. 1) also, prohibits the use of violence, persistant following about, hiding of tools, cloths or other property, the watching or besetting of houses or other places of business and the disorderly following of persons by two or more.

New Zealand. The act of 1894, no. 13, changes the mode of procedure from criminal conspiracy to civil conspiracy, as is the case in England.

Belgium. The law of May 31, 1866, modified the law of conspiracy, but the law of May 30, 1892, levies severe penalties against intimidation, mob rule and the breaking of tools. There is no statute especially against boycotting.

Holland. The law of April 11, 1903, reinforces the penalties against violence and threats, which were already provided for in the common law. There is no special law against boycotting.

Austria. The law of April 7, 1870, art. 3, penalizes violence, threats and the forcing of others to enter combinations or to retire from such combinations. No special law.

France. The penal code of France suspends the common law and regulates strikes and the use of intimidation, threats, violence and similar acts. There is no statute especially applicable to boycotts.

If a strike is called to maliciously injure the employer, rather than to benefit the strikers, it calls for damages. Cass. 9 June, 1896, *Monnier c. Renaud*.

Interference with employment by threats is prohibited. Cass. ap. Caen, Oct. 21, 1897.

Italy. Pen. Code. art. 155, et. s. Similar to the French law.

Germany. The law of June 21, 1869, art. 153 imposes penalties against those who wish to coerce others by violence, threats, interdiction or otherwise.

Str. G. B. c. 360, par. 11. The boycott is practically declared to be illegal.

United States

There is no federal law directly dealing with boycotts. The Anti-trust Law has been applied in various cases (U. S. Comp. St. 1901, Title 56B. p. 3200; Act of July 2, 1890. sec. 1-8)

Thomas v. Cincinnati, N. Or. & Tex. Pac. Ry. 1894, 62 Fed. 803. *In re Phelan*, 1894, 62 Fed. Rep. 824; *U. S. v. Debs et al.* 1894, 64 Fed. 724; *U. S. v. Cassidy et al.* 1895, 67 Fed. 698.

Boycotts have also been declared illegal on the basis of interference with the provisions of the Interstate Commerce Law.

In re Grand Jury, 1894, 62 Fed. 40; *S. Cal. Ry. v. Rutherford et al.* 1894, 62 Fed. 796.

Federal courts have also taken account of the law against interference with the United States mails.

In re Grand Jury, 1894, 62 Fed. 840; *U. S. v. Cassidy et al.* 1895, 67 Fed. 698. *U. S. v. Debs et al.* 1894, 64 Fed. 724.

Federal courts sometimes declare boycotting to be unlawful interference with another's business and punishable under the common law of conspiracy.³ Injunctions have very frequently been granted against boycotts by federal courts.

³ In England the courts may punish a peaceable boycott only as a civil conspiracy. In the United States it may be punished as a criminal conspiracy. See page 8.

Alabama. Laws, 1903, no. 329, sec. 1-4. It is unlawful for two or more persons to conspire to prevent a lawful business, or for any person to go near or loiter about the premises of business in order to influence others not to deal with a person, firm or corporation, or to picket in order to interfere with a lawful business, or to print or circulate notice of a "boycott," boycott cards, stickers, dodgers or "unfair lists," or to publish that such action is contemplated. No blacklist, unfair list, or similar list can be punished because of any lawful act or decision of a judicial or public official. Penalty is fine not less than \$50 nor more than \$500, or imprisonment not over sixty days. General provisions against interference with employment and the use of intimidation are included in this statute.

Arizona. Pen. Code, 1901, sec. 110. General Conspiracy Law. Application doubtful.

Arkansas. Dig. 1904, sec. 5030. General law prohibiting interference with employment when under contract. Application doubtful.

California. Pen. Code, 1903, c. 289, sec. 1. No agreement to do an act in furtherance of a trade dispute shall be deemed criminal, be indictable as a criminal conspiracy or be enjoined when such act if committed by an individual is not punishable as a crime. Force or violence is, however, prohibited.

Yet in *Jordahl v. Hayda et al.* 1905, 82 Pac. 1079, it was held that boycotting is enjoined when there are acts of intimidation in threatening prospective customers and that it is not necessary to show actual exercise of physical force or violence.

Colorado. Acts, 1905, c. 79, sec. 1-5. It is a mis-

demeanor for any person to loiter about or parole streets, alleys, roads, highways, trails or places of business, to influence others not to deal with any person, firm or corporation, or to picket in order to interfere with or obstruct any lawful business, or to print or circulate notice of "boycott," boycott cards, stickers, banners, signs, or dodgers, or to publish the name of any judicial or public officer in any of the above manners because of any lawful act or decision. Penalty is fine not less than \$10 nor more than \$250 or imprisonment not over sixty days, or both. The statute includes provisions against intimidation and force.

Connecticut. Gen. St. 1902, sec. 1296. General statute against intimidation and threats to prevent interference in lawful action.

This statute covers boycotting. *State v. Glidden*, 1887, 8 At. 890.

Delaware. Rev. Code, 1893, p. 928. Prohibition of interference with employment in case of strikes on railroads. Application doubtful.

*District of Columbia.*⁴

Florida. Acts, 1893, c. 4144. General statute prohibiting conspiracy against workmen.

Georgia. Pen. Code, 1895, sec. 119-126. It is a misdemeanor to hinder the engagement of a person in a lawful business by threats, violence, intimidation or other unlawful means.

Laws, 1901, no. 390, sec. 1-4. Statute against interference with employment.

⁴ No statute against boycotting.

Idaho. Ann. Code, 1901, sec. 4686. General conspiracy act. Application doubtful.

Illinois. Rev. St. 1905, c. 38, sec. 46. Two or more persons, or the officers or executive committee of any society, organization or corporation who issue any circular or edict to establish a so called "boycott" or blacklist, or who distribute any notices fraudulently or maliciously intending to wrongfully and wickedly injure the person, character, business, employment or property of another, or who do an illegal act injurious to the public trade, health, morals, police or administration of public justice, or who prevent competition in letting out public contracts or who induce persons not to enter such competition, are guilty of conspiracy. Penalty is imprisonment in the state penitentiary not over five years, or fine not over \$2,000, or both.

A circular of a business association directing members not to deal with a certain person for alleged default toward another member is not actionable. *Ulery v. Chi. Live Stock Exchange*, 1894, 54 Ill. App. 233.

c. 38, sec. 158. General statute against intimidation by combinations.

c. 18, sec. 159. Act against the intimidation of workmen.

c. 38, sec. 160. Act against the entering of premises to intimidate.

Indiana. Ann. St. 1901, sec. 3312m-3312u. Any person, firm or association of persons agreeing to prevent any wholesale or retail dealer or manufacturer from selling to any dealer, mechanic or artisan, or any one who obeys such request, because said dealer, artisan or mechanic is not a member of a combination or

association, is guilty of conspiracy against trade. Such agreements are void in law. Fine not less than \$50 nor more than \$2,000, or imprisonment for not more than one year, or both. County prosecuting attorney is to prosecute violations. Damages may be granted.

Iowa. Code, 1897, sec. 5059. Conspiracy with the fraudulent or malicious intent wrongfully to injure the person, character, business, property or rights in property of another is prohibited. Application doubtful.

Kansas. Gen. St. 1905, sec. 2481. It is unlawful for any person or persons willfully or maliciously, by any act or by intimidation, to interfere or conspire to interfere with a lawful business. Application doubtful.

Kentucky. St. 1903, sec. 802-804. Prohibits the obstruction of railroads etc. by violence, intimidation and coercion. Application doubtful.

Louisiana. Rev. Laws, 1904, sec. 944. Law against intimidation of seamen.

¶ Boycotting a hotel by refusing to buy from drummers who stay there is actionable for damages. *Webb v. Drake*, 1899, 52 La. Ann. 290.

A person can refuse dealing with another for any motive whatever, but cannot always influence another person to do the same for any motive. *Graham vs. St. Charles St. R. Co.* et al. 1895, 16 So. 806.

Maine. Rev. St. 1903, c. 124, sec. 9. General statute against intimidation in case of strikes of gas, telegraph, telephone, electric light, electric power or railroad corporations.

c. 128, sec. 20-21. General conspiracy act. The

statute includes provisions against intimidation, force and threats.

There can be a boycott without combination. Such a boycott grants a title to recover damages. *Davis v. Starrett*, 1903, 97 Me. 568.

Maryland. Pub. Laws, 1904, art. 27, sec. 34. An act in furtherance of a trade dispute cannot lead to prosecution as a criminal conspiracy unless such act be punishable as an offense when committed by an individual.

Yet in *My Maryland Lodge, no. 186, International Association of Machinists et al. v. Adt*, 1905, 59 At. 721, the injunction of the lower court against threatening with a boycott and unfair list was continued.

Massachusetts. Rev. St. 1902, c. 106, sec. 11. General statute against intimidation.

A boycott with intent to injure another's business is an illegal conspiracy. Motive is the deciding element. *Martell v. White et al.* 1904, 60 N. E. 1085.

Michigan. Comp. Laws, 1897, sec. 11343. General statute against intimidation of employees.

A boycott is a form of coercion and is unlawful and enjoinable even though peaceful. *Beck v. Ry. Teamsters' Protective Union*, 1898, 118 Mich. 497.

Minnesota. Rev. Laws, 1905, sec. 1822. General statute against interference with employment and coercion of employees.

sec. 4869. Unlawful to conspire to interfere with a lawful trade on calling by force, threats or intimidation.

sec. 5140. General statute against the use of coercion.

sec. 5168. A statute against trusts and combinations so extended that it may effect trade boycotts.

Compound boycott enjoined. Legality of unfair list depends upon whether it portends injury to the plaintiff so as to make it a boycott. *Grey et. al. v. B. T. C. et al.* 1903, 97 N. W. 663.

Mississippi. Code, 1892, sec. 1006. General conspiracy act.

sec. 1270. It is unlawful for two or more persons who willfully and maliciously combine or conspire to obstruct or impede, by any act or any means of intimidation, the regular operation of any railroad.

Acts, 1898, c. 70, sec. 1. General statute against intimidation of employees.

Missouri. Rev. St. 1899, sec. 2155. General statute against intimidation of employees and interference with employment.

Boycott circular is not illegal. Freedom of speech and press provided for in the Missouri constitution. *Marx & Hass Jeans Clothing Co. v. Watson et al.* 1902, 67 S. W. 391.

Primary boycott is legal. Compound boycott is an illegal conspiracy and is enjoined. *Walsh v. Assoc. Master Plumbers of St. Louis et al.* 1902, 71 S. W. 455.

Montana. Pen. Code, 1895, sec. 320. General conspiracy act. Application doubtful.

*Nebraska.*⁵

Nevada. Comp. Laws, 1900, sec. 4751. General conspiracy act. Application doubtful.

New Hampshire. Pub. St. 1901, c. 266, sec. 12. It is unlawful for any person to interfere or endeavor to interfere in any way in order to injure another in his property or lawful business.

⁵ No statute against boycotting.

New Jersey. Laws, 1898, c. 235, sec. 37. General conspiracy act. Application doubtful.

It is actionable to attempt to ruin another's business by inducing wholesale houses not to sell him goods. *Van Horn v. Van Horn*, 1890, 20 At. 485.

Trades council is restrained from issuing circulars calling on the members of unions and the public to cease buying and advertising in the boycotted paper. *Barr v. Essex Trades Council*, 1894, 101 At. 881.

Laws, 1903, c. 257, sec. 63. Prohibits interference with railroad operation by strikers.

*New Mexico.*⁶

New York. Parker's Crim. and Pen. Code, 1904, c. 168, par. 5. If two or more persons conspire to hinder another in the exercise of lawful business or in doing any lawful act by force, threats or intimidation, they are guilty of a misdemeanor.

Interference by outside parties and attempts to enforce a boycott against an employer, come within this statute and common law as well. Punishable as a misdemeanor and actionable for damages. *Old Dominion Steamship Co. v. McKenna et al.* 1887, 30 Fed. 48.

Compound boycott unlawful and liable to damages. *Ryan v. Burger & Hower Brewing Co.* 1891, 12 N. Y. Sup. 660.

Refusal to sell to dealers who will not maintain a uniform price is not an actionable boycott. *Parks & Sons Co. v. Nat. W. D. A.* 1903, 175 N. Y. 1.

Laws, 1903, c. 349. It is a misdemeanor to willfully deprive a member of the national guard of his employment or to obstruct him or his employer in respect to his trade, business or employment, because said guard is such a member.

North Carolina. Unfair list not actionable. Court implies that a boycott would be actionable. Implies

⁶ No statute against boycotting.

that an unfair list is not a boycott. *State v. Van Pelt*, 1904, 49 S. E. 177.

North Dakota. Const. 1889, art. 1. Interference with employment is a misdemeanor.

Pen. Code, 1899, sec. 7037. Statute prohibiting conspiracy against workingmen.

sec. 7660-2. Any person who, by force, threats or intimidation, prevents or endeavors to prevent another from employing any person, or compels a change of the mode of business, an increase or decrease of the number of men, or the rate of wages or time of service, is guilty of a misdemeanor. Intimidation of employees is prohibited.

Ohio.

Union held liable in case of a general boycott declared and partly carried out. *Parker v. Bricklayers' U.* No. 1, 1899, 21 Wkly. L. Bul. 223.

Union injuring business by notices to customers that dealing with the employer will result in themselves being boycotted is illegal. *Moore & Co. v. Bricklayers' U.* No. 1, et al. 1890, 23 Wkly. L. Bul. 48.

Oklahoma. Ann. & Rev. St. 1903, sec. 2643. Statute against intimidation of employees.

Oregon. Ann. Code & St. 1902, sec. 1971. Any person who, by force, threats or intimidation, prevents or endeavors to prevent the continuance of a man's service or the acceptance of new service by him, or who circulates false written or printed statements, or is concerned in such circulation, to prevent a person from employing another, or to compel him to employ another, to alter his mode of business, or to limit or increase the number of employees, their wages or time of service, is guilty of a misdemeanor.

A boycott must be "persistent, aggressive and virulent" before an injunction is proper and available. *Longshore Printing Co. v. Howell*, 1894, 38 Pac. 547.

Pennsylvania.

The maintenance of a boycott by the use of injurious and threatening acts that caused the plaintiff's business to fall off greatly is not protected by the law protecting unions, but the parties thereof may be enjoined. *Brace v. Evans*, 1888, 5 Pa. Co. C. 163.

Primary boycott is not unlawful coercion. *Buchanan v. Barnes*, 1894, 28 At. 195.

Porto Rico. Pen. Code, 1902, sec. 465. Statute against intimidation of employees and interference with employment. Application doubtful.

Rhode Island. Gen. Laws, 1896, c. 278, sec. 8. General statute against intimidation of employees.

c. 279, sec. 45. It is unlawful for any person to willfully and maliciously or mischievously injure or destroy property, or hinder a lawful business.

An agreement to withdraw patronage from any dealer selling supplies to others than master plumbers is not evidence that plumbers conspired to ruin complainant's business. *Macaulay v. Tierney*, 1895, 33 At. 1.

South Carolina. Laws, 1902, no. 574, sec. 5. A combination "boycotting" any person or corporation for dealing with one not a member of the combination is guilty of conspiracy to defraud. Applicable to trade boycotts only.

South Dakota. Pen. Code, 1903, sec. 757-8. Statute against intimidation of employers and employees.

Tennessee.

Maliciously to threaten to discharge employees if they trade with a third party is not actionable. Threats and intimidation to break up a man's business is actionable. *Payne v. Western Ry. Co.* 1888, 13 Tenn. 521.

Texas. Pen. Code, 1895, art. 309, 324 General

statute against intimidation of employees and interference with employment.

art. 600. Intimidation of employees prohibited.

art. 806-807. Intimidation of railroad employees prohibited.

Laws, 1903, c. 94, sec. 3, par. 2. Any two or more persons, firms, corporations or associations who agree to boycott any person, firm, corporation or association for buying from or selling to any other person, firm, corporation or association, are guilty of a conspiracy in restraint of trade. Such a contract is void. Penalty is \$50 per day of violation or imprisonment not less than one nor more than ten years.

Utah. Laws, 1898, sec. 4156. General conspiracy law. Application doubtful.

Laws, 1905, c. 16. Threats to destroy property or do bodily injury in order to prevent any person from entering or remaining in the employ of any company, corporation or individual, is a misdemeanor.

Vermont. Laws, 1902, c. 220, sec. 5041-2. Law against intimidation of employees.

Boycotting is a criminal conspiracy under the common law. The intimidation statute is mentioned. *State v. Stewart*, 1887, 59 Vt. 273.

"It is clear that everyone has a right to withdraw his own patronage when he pleases, but it is equally clear that he has no right to employ threats or intimidation to divert the patronage of another." What one man may do may not always be done by a combination. Actual damages granted. *Boutwell et al. v. Marr et al.* 1899, 42 At. 607.

Virginia.

A boycott warrants a conviction for conspiracy. *Crump v. Commonwealth*, 1888, 84 Va. 927.

Washington. Code, 1902, sec. 6518. Prohibition

of intimidation in the case of coal mines. Application doubtful.

A compound boycott was enjoined under the common law. *Jensen v. Cooks and Waiters Union of Seattle et al.* 1905, 81 Pac. 1069.

West Virginia. Code, 1899, p. 1053, sec. 11. Interference with employment in coal mines prohibited.

A boycott is a malicious and wanton interference, and is illegal and actionable. *W. Va. Transportation Co. v. Standard Oil Co.* 1902, 88 Am. St. Rep. 895.

W. Va. Dig. 1902, vol. 1, p. 663. "No statute by name making boycotting an offense. Whether it is indictable under the statute against conspiracies is a question. The usual remedy is by injunction."

Wisconsin. Rev. St. 1898, sec. 4466a. "Any two or more persons who shall combine, associate, agree, mutually undertake together for the purpose of willfully or maliciously injuring another in his reputation, trade, business or profession by any means whatever, or for the purpose of maliciously compelling another to do or perform any act against his will, or preventing or hindering another from doing or performing any lawful act shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding \$500."

sec. 4466c. Prohibition of interference with employment.

sec. 4568. Conspiracy. "Any person guilty of a criminal conspiracy at common law shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding \$500; but no agreement, except to commit a felony upon the person of another or to commit arson or burglary, shall be deemed a conspiracy or punished as such unless some act, beside

such agreement, be done to effect the object thereof by one or more of the parties of such agreement." Application doubtful.

*Wyoming.*⁷

⁷ No statute against boycotting.

SUMMARY

LEGALITY OF BOYCOTTS

The compound boycott

The compound boycott, in which third parties are boycotted or threatened with a boycott, is almost universally declared illegal, both under common and statutory law. Courts usually, though not always, have reference to this form of boycott when they use the term "boycott."

The primary boycott

The primary boycott, in which third parties are not attacked or threatened, is of doubtful legality. Many courts uphold its legality in the absence of intimidation, but others hold the opposite. Generally if these boycotts portend willful and malicious injury to the boycotted party, they are illegal; if they portend benefit to the boycotters, they are legal. This is, however, not a universal rule. The primary trade boycott is the one most frequently upheld by the courts.

The unfair list

The legality of the unfair list has seldom been tested in the courts.

The court of appeals continued an injunction of the lower court against threatening an unfair list. *My Maryland lodge, No. 186, et al. v. Adt.* 1905, 59 At. 721.

The legality of the unfair list depends upon whether or not it portends injury to the plaintiff so as to make it a boycott. *Grey et al. v. Building Trades Council et al.* 1903, 97 N. W. 663.

It was held that an unfair list is not actionable. *State v. Van Pelt*, 1904, 49 S. E. 177.

Alabama has a statute which declares the unfair list illegal.

The fair list

The fair list has nowhere in the United States been declared illegal and is not legally a boycott.

The union label

The union label is legal. The great majority of the states and territories have statutes expressly legalizing and protecting it. Legally it is not a boycott.

STATUTES AGAINST BOYCOTTING

Picketing

Certain states have statutes definitely prohibiting picketing and loitering about to interfere with a lawful business. These laws affect boycotting inasmuch as they prohibit practices which sometimes accompany boycotts.

See Ala. and Col.

Conspiracy against workmen

In eight states there are laws prohibiting conspiracy against workmen. These affect some boycotts by reaching a practice which sometimes accompanies a boycott. The general conspiracy laws of some of the states are of the same nature.

See Fla., Ga., Ill., Kan., Minn., Miss., N. Y. and N. D.

Intimidation

Many states and territories have statutes against the general use of intimidation, force, coercion and violence. While these statutes, under the interpretation of some courts, do not affect all boycotts, they cover at least those in which there is manifest intimidation. They reach some peaceful boycotts, as some courts hold that a peaceful boycott is in itself a form of coercion.

Beck v. Ry. Teamsters' Protective Union, 1898, 118 Mich. 497.

See intimidation statutes of Ala., Conn., Ga., Ill., Ky., Me., Mass., Mich., Minn., Miss., Mo., N. H., N. Y., N. D., Okla., Ore., P. R., R. I., S. D., Tex., Utah, Vt., and Wash.

Interference with employment

There are twenty states and territories prohibiting interference with employment. These necessarily affect the successful determination of many boycotts to some extent.

See Ala., Ark., Conn., Del., Ga., Ill., Kan., Ky., La., Miss., Minn., N. Y., N. J., N. D., Ore., Pa., R. I., W. Va., Utah, and Wis.

General statutes

About twenty states and territories have statutes not containing the term "boycott," but which may be fairly interpreted as prohibiting boycotting.

See Ala., Conn., Fla., Ga., Me., Mass., Mich., Minn., Miss., Mo., N. H., N. Y., Okla., Ore., S. D., N. D., Tex., Utah, Vt., and Wis.

Prohibition of boycotting in name

Certain states have statutes which prohibit boycotting as such under the name "boycotting."

See Ala., Col., Ill., Ind., S. C.,⁸ and Tex.

COURT INTERFERENCE

Common law

In numerous states the courts proceed under the common law of conspiracy. This may either result in punishment against criminal or against civil conspiracy.⁹ The common law doctrine depends largely upon whether or not the intent is willful and malicious.

Illegal acts accompanying boycotts

Whenever there is intimidation, force, coercion, threats or violence, the courts may proceed against the illegal act accompanying the boycott, and may thus check the boycott to a certain degree even in the absence of both statutory and common law provisions against the boycott itself.

Injunctions

The most frequent remedy of the courts is the injunction. The compound boycott is generally enjoined when adequate facts are shown; the primary boycott is sometimes enjoined when malicious intent and combination are shown; the unfair list, whose legality is as yet a much disputed matter, was enjoined in *My Md. Lodge, No. 186. et al. Adt. 1905, 59 At. 721.*

⁸S. C. statute applies only to trade boycotts.

⁹See p. 8 for the law of conspiracy.



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